REMARKS/ARGUMENTS

The present Amendment amends claims 1, 2, 17, 18, and 23; and adds claims 24-28. Upon entry of this Amendment, claims 1-3 and 5-28 will be pending. Accordingly, the application currently presents twenty-seven (27) total claims, of which two (2) are in independent form (claims 1 and 23). For any fees which are deemed necessary following submittal of this Amendment, the undersigned hereby authorizes such fees to be charged to our deposit account, Deposit Account No. 061910.

Claim Objections

Applicant wishes to thank Examiner for the suggestions given to overcoming the informalities noted with respect to claims 17 and 18. While Examiner suggests replacing the use of "tube" on line 1 in claim 17 with "susceptor system", Applicant feels the more appropriate term to be "first structure (7)", and have amended claim 17 accordingly. With respect to claim 18, it now has been amended to depend from claim 16. With the above amendments, Applicant believes the informalities of these claims have now been addressed.

Double Patenting Rejections

Claims 1-3 and 5-23 stand rejected under the judicially-created doctrine of obviousness-type double patenting. The double patenting rejection is hereby acknowledged. However, as claims 1-3 and 5-23 are further rejected under 35 U.S.C. 102(b) or 103(a), as described below, and since the conflicting claims 27-51 of copending Application No. 10/538,416 have not in fact been patented, Applicant chooses to hold off on addressing the double patenting rejections for the time being and instead only address the 102(b) and 103(a) rejections herein. Applicant respectfully traverses the rejections of claims 1-3 and 5-23 under the judicially created doctrine of obviousness-type double patenting. However, if Applicant's arguments herein are found to overcome one or more of the standing 102(b) and 103(a) rejections, Applicant is willing to consider advancing prosecution of this Application by filing a terminal disclaimer in compliance with 37 CFR 1.321(c) to subsequently overcome the double patenting rejections.

Claim Rejections under 35 U.S.C. 102(b) and 103(a)

Claims 1-3, 5-9, 11-13, 15, 19, 21, and 22 currently stand rejected under 35 U.S.C. 102(b) as being anticipated by Kordina et al. (U.S. Pat. No. 5,695,567). In addition, under 35 U.S.C. 103(a), claims 10, 16-18, and 23 currently stand rejected as being unpatentable over Quan et al. (U.S. Pat. No. 4,794,217) in view of Kaeppeler et al. (WO 02/38838 using U.S. Pat. No. 7,048,802 as an English Translation); and claims 14 and 20 currently stand rejected as being unpatentable over Kordina in view of Kaeppeler et al. (WO 02/38839). Following a review of the rejections, Applicant feels that Examiner may have mischaracterized the 103(a) rejections in reference to Quan et al., as those rejections involve Kordina et al. being alternatively described as the primary reference. As Quan et al. was used by Examiner in the Non-Final Office Action dated September 6, 2007, we presume Examiner's reference to Quan et al. in these 103(a) rejections is unintentional.

Further, since Kordina et al. and both Kaeppeler et al. references were previously cited by Examiner in her rejections in the last above-noted Action, Applicant argued in the last response, and continues to assert, that none of these references solves the technical problem (set out in the present application) of keeping the top and bottom walls of the treatment chamber very well electrically insulated. Accordingly, Applicant respectfully traverses the standing 102(b) and 103(a) rejections; however, to advance prosecution of this Application, Applicant has made amendments to claims 1 and 23.

In light of the amendments to independent claims 1 and 23, Applicant respectfully submits that, to one skilled in the art, neither claim would be anticipated by Kordina et al. nor be unpatentable by Kordina et al. in view of Kaeppeler et al (WO 02/38838) or Kaeppeler et al (WO 02/38839). In particular, as amended, claims 1 and 23 now each provide the right-hand and left-hand side walls (4, 5) each being constituted of an inert, refractory material and "preventing conduction of electrical current there through". Further, claims 1 and 23 provide the right-hand and left-hand side walls (4, 5) each separating the upper wall (2) from the lower wall (3) so that the or each piece of the upper wall (2) is electrically insulated from the or each piece of the lower wall (3).

Response to Rejections

Regarding the 35 U.S.C. 102(b) rejection of claim 1, Kordina appears to teach covering the graphite wall pieces 11, 12, 13, and 14 of the treatment chamber by a thin SiC coating (for example, in Fig. 4, with reference to col. 5, lines 46-50). While Applicant respectfully asserts that the thin SiC coating would not be equivalent to a "piece" of inert, refractory material (as provided by claim 1), much less a "wall" (as provided by claim 2), Applicant further asserts that Kordina *teaches away* from the present application, as the lateral walls 11, 12 of the treatment chamber are formed of graphite (an electrically conductive material) (for example, col. 5, lines 46-50). Because of this, electricity flow (due to the induction system of the reactor) can take place in these lateral walls, giving place to possible current loops, even if these lateral walls are covered as a shield. Additionally, according to Kordina, electrical insulation between the upper wall (top wall piece 13) and the lower wall (bottom wall piece 14) is only partially obtained through "a first plate 16 made of SiC placed on the bottom wall piece 14 for covering thereof and inserted between the two lateral wall pieces 11, 12 and the bottom wall piece 14" and "a second plate 17 made of SiC placed directly under the top wall piece 13 for covering thereof and inserted between the two lateral wall pieces 11, 12 and the top wall piece 13" (for example, col. 5, lines 54-62); in fact, such electrical insulation is highly reduced by the screws fixing together "the wall pieces with the SiC plates therebetween" (for example, col. 5, lines 62-65) and therefore connecting the upper wall (top wall piece 13) and the lower wall (bottom wall piece 14).

In contrast, as described above, claim 1 provides for the right-hand and left-hand side walls (4 and 5) each to be constituted of at least one piece of an inert, refractory material and to prevent conduction of electrical current there through. Further, claim 1 provides for the right-hand and left-hand side walls (4, 5) each to be separating the upper wall (2) from the lower wall (3) so that the or each piece of the upper wall (2) is electrically insulated from the or each piece of the lower wall (3). For support, see, for example, paragraphs [0028] and [0029] and Fig. 1 of Applicant's U.S. published application. In reference to paragraph [0029], the susceptor system embodied in Fig. 1 is taught to be constituted by the four pieces constituted by the four walls 2, 3, 4, and 5. Fig. 1 shows each of side walls 4 and 5 to be in contact with, yet separating, upper wall 2 from lower wall 3, thereby preventing the walls 2 and 3 from direct contact with each other. In reference to paragraph [0028], while it is taught that each of the side walls 4 and 5 are constituted by at least one piece of inert, refractory and electrically insulating material, the last

sentence of the paragraph teaches the upper wall 2 to be electrically insulated from the lower wall 3. Accordingly, the skilled artisan would understand that such condition could only be met if the side walls (4 and 5) prevent conduction of electrical current there through.

For at least the above distinctions, Applicant respectfully asserts that Kordina fails to disclose expressly, or under the principles of inherency, the features of claim 1 as is now claimed. Accordingly, the rejection of claim 1 based solely upon Kordina must be withdrawn.

Regarding the 35 U.S.C. 103(a) rejections, Examiner uses Kordina as a primary reference in each of the rejections. In reviewing the other cited art from Examiner's 35 U.S.C. 103(a) rejections, the art does not seem to address the above-described deficiencies with respect to Kordina. For example, Kaeppeler et al. (WO 02/38838) is used, regarding susceptor systems, for its presumed teachings (i) to provide grooves and/or ribs in a piece of an upper wall and/or a piece of a lower wall for joining with pieces of side walls and (ii) to provide a first refractory and thermally insulating structure which surrounds the susceptor system and is constituted substantially by a tube of high-porosity graphite. In addition, Kaeppeler et al. (WO 02/38839) is used, regarding susceptor systems, for its presumed teachings (i) to provide a recess and disc in a susceptor and (ii) to provide a through hole used as a means to transport gas through the susceptor.

Accordingly, neither Kaeppeler et al. (WO 02/38838) nor Kaeppeler et al. (WO 02/38839), either taken singly or in combination, would remedy the subject matter wholly absent from Kordina vis-à-vis the claimed invention. Consequently, any proposed combination of Kordina with Kaeppeler et al. (WO 02/38838) and/or Kaeppeler et al. (WO 02/38839) fails to reach the *prima facie* obviousness threshold with respect to claims dependent on claim 1. With respect to the 103(a) rejection of independent claim 23, as described above, claim 23 is amended similarly to claim 1. As such, any proposed combination of Kordina with Kaeppeler et al. (WO 02/38838) and/or Kaeppeler et al. (WO 02/38839) fails to reach the *prima facie* obviousness threshold with respect to claim 23. Accordingly, Applicant respectfully requests withdrawal of the 103(a) rejections.

Applicant asserts that upon entry of this Amendment, the claims are hereby in condition for allowance. For the above reasons, Applicant believes claim 1, as now amended, should be allowed. In turn, the allowance of claim 1 thereby renders 2-3, 5-14, and new dependent claims

24 and 26 also allowable. The allowance of claim 1 shall also render claim 15 allowable, as claim 15 has all the same features of claim 1. In turn, the allowance of claim 15 thereby renders claims 16-22 also allowable. The allowance of claim 1 shall also render claim 23 allowable, as claim 23 has similar features to that of claim 1. In turn, the allowance of claim 23 thereby renders new dependent claims 25, 27, and 28 also allowable. Favorable consideration and prompt allowance of the application are respectfully requested.

Conclusion

Applicant believes that no new matter will be introduced by entry of these amendments and that the amendments are fully supported by the specification and application as a whole. Applicant has amended the claims solely to advance prosecution of this application and to obtain the allowance of claims at the earliest possible date. No admission should be inferred by these amendments. Applicant reserves the right to prosecute the originally filed claims in a continuation application.

In light of the above, Applicant respectfully submits that the present rejections should be withdrawn and prompt allowance of this application is respectfully requested. If the Examiner feels that prosecution of the present application can be materially advanced by a telephonic interview, the undersigned would welcome a call at the number listed below.

Respectfully submitted,

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